

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ESTER LORUSSO,

Plaintiff,

-against-

ALITALIA–LINEE AEREE ITALIANE SpA,

Defendant.

Case No. 07 CV 3583 (LBS)(RLE)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE THAT** upon the accompanying Declaration of Alan M. Koral, Esq., dated April 28, 2008, and the exhibits annexed thereto, the accompanying Affidavit of Marco D’Ilario, the accompanying Memorandum of Law, the accompanying Statement of Uncontested Material Facts, made pursuant to Local Rule 56.1, and all the papers and proceedings heretofore had herein, including the Complaint (annexed as Exhibit A hereto) and the Answer (annexed as Exhibit B hereto), defendant Alitalia–Linee Aeree Italiane SpA (“Alitalia”), by its attorneys, Vedder Price P.C., will move this Court, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, New York, Courtroom 15-A, on May 8, 2008 at 2:15 p.m., before the Hon. Leonard B. Sand, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment dismissing the Complaint in the above captioned action on the grounds that it fails to state a claim upon which relief may be granted as against Alitalia, awarding Defendant its reasonable costs and disbursements incurred on this motion, and granting such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE THAT**, pursuant to the Individual Practices of Judge Sand, answering papers, if any, shall be served upon the undersigned no later than 12:00 noon on May 5, 2008.

Dated: New York, New York  
April 28, 2008

VEDDER PRICE P.C.

By: s/ Alan M. Koral  
Alan M. Koral (AK-1503)  
Daniel C. Green (DG-0059)  
1633 Broadway, 47th Floor  
New York, New York 10019  
(212) 407-7700

*Attorneys for Defendant  
Alitalia–Linee Aeree Italiane SpA*

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**CERTIFICATE OF SERVICE**

I, Daniel Green, hereby declare, pursuant to 28 U.S.C. 1746, under penalty of perjury, that on April 28, 2008, I caused a copy of the **NOTICE OF MOTION** to be served upon Plaintiff by electronically filing same, thereby ensuring that Plaintiff's attorney, Robert Ottinger, Esq. of The Ottinger Firm, P.C., received same because he is a registered e-filer and registered to receive e-notices in this case.

DATED: April 28, 2008

s/ Daniel C. Green  
Daniel C. Green